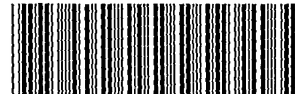


# PATENT COOPERATION TREATY

# PCT

PCT Application  
PCT/CN2004/000416



REC'D 20 SEP 2005

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## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 04PCT199-GEQ	<b>FOR FURTHER ACTION</b> See Form PCT/IPEA/416	
International application No. PCT/CN2004/000416	International filing date (day/month/year) 28. Apr. 2004(28.04.2004)	Priority date (day/month/year) 30. Apr. 2003(30.04.2003)
International Patent Classification (IPC) or national classification and IPC IPC <sup>7</sup> H01L 33/00, H01S 5/00		

Applicant

Xu Peixin

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 3 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
  - ☐ (sent to the applicant and to the International Bureau) a total of \_\_\_\_\_ sheets, as follows:
    - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

- This report contains indications relating to the following items:

- ☒ Box No. I Basis of the report
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand

04.Feb.2005(04.02.2005)

Date of completion of this report

19.Aug.2005(19.08.2005)

Name and mailing address of the IPEA/CN

The State Intellectual Property Office, the P.R.China,  
6 Xitucheng Rd., Jimen Bridge, Haidian District, Beijing, China  
100088

Facsimile No. 86-10-62019451

Authorized officer

Yang Zifang  
芳方  
印子

Telephone No. 86-10-62084865

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/CN2004/000416

## Box No. I Basis of the report

1. With regard to the language, this report is based on:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☐ the international application as originally filed/furnished
- ☒ the description:

pages \_\_\_\_\_ as originally filed/furnished

pages \* 1-3 \_\_\_\_\_ received by this Authority on 04.Feb.2005(04.02.2005)

pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

- ☒ the claims:

pages \_\_\_\_\_ as originally filed/furnished

pages \* \_\_\_\_\_ as amended (together with any statement) under Article 19

pages \* 1 \_\_\_\_\_ received by this Authority on 04.Feb.2005(04.02.2005)

pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

- ☒ the drawings:

pages 1-2 \_\_\_\_\_ as originally filed/furnished

pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/CN2004/000416**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

## 1. Statement:

Novelty (N)	Claims 1-7	YES
	Claims	NO
Inventive step (IS)	Claims 1-7	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-7	YES
	Claims	NO

## 2. Citations and explanations (Rule 70.7)

The present invention relates to a light emitting diode emitting uniformly light all around.

Claims 1 to 7 meet the criteria set out in PCT Article 33(2), 33(3), and 33(4), because the prior art does not disclose or teach any of the especially set forth in the claims. The subject-matters of claims 1 to 7 can be made or used industrially.

Therefore, claims 1 to 7 meet the requirements of the PCT with respect to novelty, inventive step and industrial applicability.